

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JULIA GEORGE,

Plaintiff,

vs.

**HYATT CORPORATION, H.E. SAN
ANTONIO I, LLC, and JOHN DOE**

Defendants.

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CIVIL ACTION NO. 5:21-cv-00721

Jury Demand

NOTICE OF REMOVAL

**TO THE HONORABLE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF TEXAS:**

I.

COURT AND PARTY INFORMATION

1. HYATT CORPORATION and H.E. SAN ANTONIO I, LLC are defendants in a civil action commenced on June 17, 2021 in the 407th District Court of Bexar County, Texas, entitled *Julia George v. Hyatt Corporation, H.E. San Antonio I, LLC and John Doe*, Cause No. 2021CI2224 ("State Court Action"). Copies of the (1) Court Docket Sheet; (2) Plaintiff's Original Petition and Request for Disclosure; (3) Citation to Hyatt Corporation; (4) Citation to H.E. San Antonio I, LLC; (5) Return of Service for Hyatt Corporation; (6) Return of Service for H.E. San Antonio I, LLC; (7) Defendants' Original Answer; and (8) Defendants' Jury Demand are attached hereto and constitute all process, pleadings and orders served in the State Court Action. *See* Index of State Court Documents attached hereto. The address for the 407th District Court of Bexar County, Texas is as follows: Bexar County Courthouse, 100 Dolorosa, 4th Floor, San

Antonio, Texas 78205.

2. Plaintiff in the State Court Action is Julia George ("Plaintiff"). Plaintiff is represented by Theodore J. Messina III (Texas Bar No. 24041475), Braulio E. Gonzalez (Texas Bar No. 24111350) and Jason Cobb (Texas Bar No. 24109736) of The Messina Law Firm, P.C., 5910 N. Central Expressway, Suite 1599, Dallas, Texas 75206, (214) 420-7333, jmessina@messinalegal.com, bgonzalez@messinalegal.com. Hyatt Corporation and H.E. San Antonio I, LLC ("Defendants") are defendants in the State Court Action and are represented by Michael A. Logan (Texas Bar No. 12497500) and Johnathan D. Jordan (Texas Bar No. 24100509) of Kane Russell Coleman Logan PC, 901 Main Street, Suite 5200, Dallas, Texas 75202, (214) 777-4200, mlogan@krcl.com, jjordan@krcl.com.

3. John Doe ("Defendant Doe") is also a named defendant in the State Court Action, but no return of service is on file for Defendant Doe, and Defendant Doe has not filed an Answer or otherwise appeared in the State Court Action as of the date of removal.

II. STATE COURT ACTION

4. Plaintiff claims that on June 23, 2019, she was injured after an alleged fall after being served alcohol at the Hyatt Regency San Antonio Riverwalk hotel in San Antonio, Texas.

5. Defendants requested a trial by jury in the State Court Action, and the jury fee has been paid.

6. Plaintiff, a citizen of Texas, has attempted to prevent removal of the State Court Action based on diversity jurisdiction by suing Defendant Doe, an unidentified individual employee of Defendant Hyatt Corporation and alleged Texas citizen.

7. Defendant Doe's citizenship should not be considered for purposes of diversity for two reasons. First, Defendant Doe was sued under a fictitious name, and, therefore, his

citizenship should be disregarded. Alternatively, Plaintiff has failed to set forth factual allegations suggesting that Defendant Doe owed Plaintiff an independent duty or that he committed any act that caused Plaintiff's alleged injuries.

III. GROUNDS FOR REMOVAL

8. Defendants file this Notice of Removal on the grounds of diversity jurisdiction under 28 U.S.C. § 1332(a). A suit may be removed from state court to federal court on the grounds of diversity jurisdiction when the suit involves a controversy between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

9. Except as otherwise expressly provided by an Act of Congress, any civil action brought in a state court of which the district courts of the United States have original jurisdiction may be removed to the district court of the United States for the district and division embracing the place where the action is pending. *See* 28 U.S.C. § 1441. The San Antonio Division of the Western District of Texas is the United States district and division embracing Bexar County, Texas, the county in which the State Court Action is pending.

A. This Notice of Removal is timely filed.

10. The citation and petition in this action were served on Defendants on June 30, 2021 by serving Defendants' registered agents. This Notice of Removal is filed within thirty (30) days of receipt of the citation and petition and is, therefore, timely filed pursuant to 28 U.S.C. § 1446(b).

B. Consent of all defendants is not necessary.

11. According to 28 U.S.C. § 1446, only defendants who have been properly joined and served must consent to the removal of an action. *See Rico v. Flores*, 481 F.3d 234, 239 (5th Cir. 2007) (discussing how 28 U.S.C. § 1446 has been interpreted to require that only presently

served, properly joined defendants join in a removal petition). Defendant Doe has not been properly joined to this action, and Defendant Doe has not been served at this time. Therefore, consent from Defendant Doe is not necessary.

C. Complete diversity exists between the parties properly joined.

12. This is a civil action that falls under the Court's original jurisdiction pursuant to 28 U.S.C. § 1332(a) and is one that may be removed to this Court based on diversity of citizenship in accordance with 28 U.S.C. §§ 1441 and 1446. Complete diversity exists in this case because Plaintiff and Defendants are citizens of different states. Because Defendant Doe was sued under a fictitious name, his citizenship should be disregarded for purposes of diversity. *See* 28 U.S.C. 1441(b)(1). Moreover, Defendant Doe was joined solely for the purpose of defeating diversity and is not a proper party to this suit. Therefore, Defendant Doe's citizenship should not be considered for purposes of evaluating diversity jurisdiction.

(i) Plaintiff

13. As stated in Plaintiff's Original Petition, Plaintiff is a resident of Nueces County, Texas. Thus, Plaintiff is now and was at the time this action was commenced, a citizen of the State of Texas.

(ii) Defendants

14. Defendant Hyatt Corporation is a corporation organized under the laws of the State of Delaware, with its principal place of business located in Chicago, Illinois. Therefore, Defendant Hyatt is not a citizen of the State of Texas.

15. Defendant H.E. San Antonio I, LLC is a limited liability company (hereinafter "LLC") organized under the laws of the State of Delaware with its principal place of business located in Chicago, Illinois. H.E. San Antonio I, LLC's sole member is Hyatt Equities, LLC, a

Delaware LLC with its principal place of business in Chicago, Illinois. Hyatt Equities has two members: (1) HT-Hotel Equities, Inc., a Delaware corporation with its principal place of business in Chicago, Illinois; and, (2) CTR Interest Holdco, Inc., a Delaware corporation with its principal place of business in Chicago, Illinois. Therefore, Defendant H.E. San Antonio I, LLC is not a citizen of the State of Texas.

16. Notwithstanding Defendants' contention that Defendant Doe's citizenship should be disregarded for purposes of diversity because he was sued under a fictitious name, Defendant Doe is an improper defendant in this action and has been named solely to prevent removal as Plaintiff has no reasonable basis for recovery against Defendant Doe.

17. Under the doctrine of improper joinder, a plaintiff cannot defeat diversity jurisdiction simply by naming a non-diverse defendant. *See Salazar v. Allstate Tex. Lloyd's, Inc.*, 455 F.3d 571, 574 (5th Cir. 2006). In determining whether complete diversity exists, a court must disregard the citizenship of defendants when "there is no reasonable basis for predicting that plaintiffs might establish liability against the in-state defendants." *Badon v. R.J.R. Nabisco, Inc.*, 224 F.3d 382, 393 (5th Cir. 2000) (citations omitted).

18. A removing defendant may establish fraudulent joinder by showing: (1) actual fraud in the jurisdictional facts presented to the court; (2) that the plaintiffs have no valid cause of action against the non-diverse defendant; or (3) the claims against the non-diverse defendant have no real connection to the claims against the other defendants. *See Salazar*, 455 F.3d at 574.

19. The test for establishing that the plaintiff has no valid cause of action against the non-diverse defendant is "whether the defendant has demonstrated that there is no possibility of recovery by the plaintiff against the in-state defendant, which stated differently means that there is no reasonable basis for the district court to predict that the plaintiff might be able to recover

against an in-state defendant.” *Smallwood v. Ill. Cent. R.R. Co.*, 385 F.3d 568, 573 (5th Cir. 2004).

20. It is the well-established law in Texas that corporate agents are not personally liable for non-intentional torts committed in the course and scope of their employment unless the agent owed an independent duty to the injured party. *See Leitch v. Hornsby*, 935 S.W.2d 114, 117–18 (Tex. 1996).

21. Plaintiff has failed to set forth factual allegations suggesting that Defendant Doe owed Plaintiff an independent duty. Any actions taken by Defendant Doe were performed solely within the scope of his employment and were performed for the purpose of Defendant Hyatt Corporation meeting any duty it owed to Plaintiff. Because Defendant Doe was improperly joined, his alleged Texas citizenship should not be considered.

22. Therefore, complete diversity exists pursuant to 28 U.S.C. § 1332.

D. The amount in controversy requirement is satisfied.

23. As reflected in Plaintiff's Original Petition, the amount in controversy in this action, exclusive of interest and costs, exceeds the sum of \$75,000. Specifically, as explicitly stated in Plaintiff's Original Petition, Plaintiff seeks monetary relief in excess of \$1,000,000. *See* Plaintiff's Original Petition, ¶6. Therefore, the estimate of damages that has been put at issue in this action by Plaintiff and the amount in controversy in this action exceeds \$75,000.

24. Removal of the State Court Action is proper pursuant to 28 U.S.C. § 1441, because it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. § 1332(a) because Plaintiff and Defendants are diverse in citizenship.

WHEREFORE, Defendants Hyatt Corporation and H.E. San Antonio I, LLC, pursuant

to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, remove this action for trial from the 407th District Court of Bexar County, Texas to this Court on this 29th day of July, 2021.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Michael A. Logan
Michael A. Logan
State Bar No. 12497500 E-
Mail: mlogan@krcl.com
Johnathan D. Jordan
State Bar No. 24100509
E-Mail: jjordan@krcl.com

901 Main Street, Suite 5200
Dallas, Texas 75202
Telephone: (214) 777-4200
Facsimile: (214) 777-4299

**ATTORNEYS FOR DEFENDANTS HYATT
CORPORATION AND H.E. SAN ANTONIO I,
LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 29th day of July, 2021, a copy of the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to counsel for Plaintiff by operation of the Court's electronic filing system, unless counsel for Plaintiff is not registered with the CM/ECF system, in which case the undersigned certifies that a copy of the foregoing document was sent to counsel for Plaintiff via certified mail, return receipt requested.

/s/ Michael A. Logan
Michael A. Logan

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JULIA GEORGE,

Plaintiff,

vs.

**HYATT CORPORATION, H.E. SAN
ANTONIO I, LLC, and JOHN DOE**

Defendants.

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CIVIL ACTION NO. 5:21-cv-00721

Jury Demand

INDEX OF STATE COURT DOCUMENTS

	<u>DOCUMENT</u>	<u>DATE</u>
1.	Civil Docket Sheet	
2.	Plaintiff's Original Petition and Request for Disclosure	06/17/2021
3.	Citation (Hyatt Corporation)	06/29/2021
4.	Citation (H.E. San Antonio I, LLC)	06/29/2021
5.	Return of Service (Hyatt Corporation)	07/15/2021
6.	Return of Service (H.E. San Antonio I, LLC)	07/15/2021
7.	Defendants Hyatt Corporation and H.E. San Antonio I, LLC's Original Answer	07/22/2021

8. Jury Demand

07/29/2021

407th District Court**Case Summary****Case No. 2021CI12224**

Julia George VS Hyatt Corporation ET AL § Location
§ **407th District Court**
§ Judicial Officer
§ **407th, District Court**
§ Filed on
§ **06/17/2021**

Case Information

Case Type: **OTHER CIVIL CASES**
Case Status: **06/17/2021 Pending**

Assignment Information

Current Case Assignment

Case Number 2021CI12224
Court 407th District Court
Date Assigned 06/17/2021
Judicial Officer 407th, District Court

Party Information

*Lead Attorneys***Plaintiff George, Julia****MESSINA, THEODORE JOSEPH**
Retained**Defendant Doe, John****H.E. San Antonio I, LLC** **LOGAN, MICHAEL A**
Retained**Hyatt Corporation** **LOGAN, MICHAEL A**
Retained

Events and Orders of the Court

06/17/2021 New Cases Filed (OCA)

06/17/2021 PETITION

06/29/2021 **Citation**
Hyatt Corporation
Served: 06/30/2021

06/29/2021 **Citation**
H.E. San Antonio I, LLC
Served: 06/30/2021

06/29/2021 **Citation**
Doe, John
Unserved

07/15/2021 RETURN OF SERVICE - SUCCESSFUL
HYATT CORPORATION

07/15/2021 RETURN OF SERVICE - SUCCESSFUL
H.E SAN ANTONIO I LLC

07/22/2021 ORIGINAL ANSWER OF
HYATT CORPORATION & H.E. SAN ANTONIO I, LLC

FILED
 6/17/2021 3:15 PM
 Mary Angie Garcia
 Bexar County District Clerk
 Accepted By: Martha Medellin

3C1T PPS

2021CI12224

CAUSE NO.

JULIA GEORGE,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
V.	§	JUDICIAL DISTRICT
	§	
HYATT CORPORATION,	§	
H.E. SAN ANTONIO I, LLC, and	§	Bexar County - 407th District Court
JOHN DOE	§	
	§	
Defendants.	§	BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

COMES NOW Plaintiff Julia George, ("Plaintiff") and files this Original Petition complaining of Defendants ("Defendants") and in support thereof would respectfully show unto the Court as follows:

I.
DISCOVERY CONTROL PLAN

1. Plaintiff states that the discovery in this matter should be conducted under Level 13 as provided in Rule 190.4. Plaintiff reserves the right to modify such plan as provided by Texas Rule of Civil Procedure 190.4.

U.
PARTIES

2. Plaintiff Julia George is an individual residing in Nueces County.

3. Hyatt Corporation is a Foreign For-Profit Corporation that may be served by and through its registered agent, United States Corporation Co., at 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

4. H.E. San Antonio I, LLC is a Foreign Limited Liability Company that may be served by and through its registered agent, Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, at 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

5. John Doe is the bartender/Employee of Defendant Hyatt Corporation who overserved Plaintiff, and will be served when the name and identity of John Doe is discovered.

III. JURISDICTION AND VENUE

6. Plaintiff asserts this Court has jurisdiction over this action because the amount in controversy exceeds the Court's minimum jurisdictional requirements, and Plaintiff is seeking monetary relief over one million dollars. The Court has jurisdiction over Defendants because it is a Texas company and the acts or omissions complained of occurred in Texas.

7. Venue is proper in Bexar County, Texas, pursuant to Chapter 15 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE because, among other reasons, all or substantial portion, of the events involved in this lawsuit occurred in Bexar County.

IV. FACTUAL BACKGROUND

8. On June 23, 2019, Plaintiff arrived at the Hyatt Regency San Antonio Riverwalk ("Hotel"), with her boyfriend for a relaxing vacation. After checking in Plaintiff and her boyfriend decided to go to the Hotel bar and have some drinks. It is unknown how many or what types of drinks the bartender served Plaintiff; however, she was visibly intoxicated and was taken by the bartender ("John Doe") in a wheelchair to her room.

9. On June 24, 2019, Plaintiff woke up with a cut on her head from a severe fall. An ambulance was called, and Plaintiff was taken to the Metropolitan Methodist Hospital. She required two staples and was later discharged. She was transported to the Hotel to get some rest.

10. On June 25, 2019, Plaintiff woke up with an extreme sharp abdominal pain. Again, an ambulance was called, and Plaintiff was rushed back to the Metropolitan Methodist Hospital. A CT revealed an acute perforated discuss leakage due to the trauma from her fall. Plaintiff had to undergo emergency surgery.

11. Later, on June 26, 2019, while in the ICU, Plaintiff's Doctor informed her that her left abdominal cavity needed to be opened to clean bacteria. Then, on June 27, 2019, Plaintiff was in operating room again.

12. On June 28, 2019, Plaintiff was informed that she had pneumonia. Her poctor let her know that she was suffering from high blood pressure and that she would need to continue treating the infection.

13. Plaintiff spent weeks in the ICU on a ventilator, on multiple times due to severe infection, Plaintiff's life was at risk. On July 8, 2019, Plaintiff was finally discharged to go home. Once home, Plaintiff needed a Home Care Nurse to dress the wound and help with recovery which was long and very painful.

14. Unfortunately, due to the above-described incident, Plaintiff's speech is slurred, she has lost her depth perception and has suffered permanent damage. These injuries are all the result of being over served or drugged at the Hyatt Regency Riverwalk Hotel bar in San Antonio, Texas on June 24, 2019. Plaintiff's overall health and ability to do everyday activities has significantly deteriorated.

15. At the time of the accident, Plaintiff was a healthy, able-bodied individual who a was a productive member of society. Her life has been permanently changed by the catastrophic and significant injuries she sustained as a result of Defendants' failure to comply with Texas TABC laws and regulations.

V.
DRAM SHOP LIABILITY

16. Plaintiff hereby incorporates by reference paragraphs 1 through 15 as if set forth at length herein.

17. Plaintiff brings this suit pursuant to TEX. ALCO. BEV. CODE § 2.02, et seq. Specifically, Defendants are liable because, at the time the provision occurred, it was apparent to Defendants that when Plaintiff was sold, served or provided with an alcoholic beverage, she was obviously intoxicated to the extent that she presented a clear danger to herself and others. Additionally, it was Plaintiff's intoxication that was a proximate cause of the fall which caused damages and injuries.

18. In the event the provisions of Section 106.14(a) of the TEX. ALCO. BEV. CODE are sought to be used defensively by Defendants, Plaintiff will show that Defendants directly or indirectly encouraged its employees and owners to violate the Texas Alcoholic and Beverage Commission's laws and to over-serve obviously intoxicated persons.

VI.
DAMAGES

19. As a result of the above-described acts of Defendants, Plaintiff has been severely and permanently damaged. Accordingly, Plaintiff is entitled to recover against Defendants for all such applicable damages under Texas law.

20. Plaintiff Julia George is entitled to recover the following items of damages, which are in an amount in excess of the minimal jurisdictional limits of this Court:

- (a) Past and future medical expenses;
- (b) Lost wages in the past and loss of future earning capacity;

- (c) Past and future physical pain;
- (d) Past and future mental anguish;
- (e) Past and future physical impairment/loss of enjoyment of life; and
- (f) Past and future disfigurement.

VII.
REQUEST FOR DISCLOSURE

21. Pursuant to Texas Rule of Civil Procedure 194, Plaintiff requests that Defendants disclose within fifty (50) days of the service of this request, the information or material described in Rule 194.2 (a) through (1).

VIII.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein, and that upon final hearing hereof, Plaintiff receive judgment of and from Defendants, in the amounts as determined by the Court and Jury, for prejudgment and post-judgment interest at the maximum legal rate allowed by law, costs of court, and for such other and further relief, at law and equity, to which Plaintiff may show herself to be justly entitled.

Respectfully submitted,

THE MESSINA LAW FIRM, P.C.

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By:

THEODORE J. MESSINA III

State Bar No. 24041475

jmessina@messinallegal.com

BRAULIO E. GONZALEZ

State Bar No. 24111350

bgonzalezgmessinallegal.com

JASON COBB

State Bar No. 24109736

5910 N Central Expressway, Suite 1599

Dallas, Texas 75206

Telephone: (214) 420-7333

Facsimile: (214) 206-9593

ATTORNEYS FOR PLAINTIFF

PRIVATE PROCESS

Case Number: 2021CI12224

Julia George VS Hyatt Corporation ET AL
 (Note: Attached Document May Contain Additional
 Litigants)

IN THE 407TH DISTRICT COURT
 BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: HYATT CORPORATION
 BY SERVING ITS REGISTERED AGENT UNITED STATES CORPORATION

DELIVERED®
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 By p~!C (Zr /lrS7 p
 vustiri Process, LLG

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE was filed on the 17th day of June, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 29th day of June, 2021.

THEODOREJOSEPH MESSINA
 ATTORNEY OF PLAINTIFF
 5910 N Central Expy Ste 1599
 Da11asTX 75206-5165

Mary Angie Garcia
 Bexar County District Clerk
 101 W. Nueva, Suite 217
 San Antonio, Texas 78205

By: /s/ Annabelle Kun;?
 Annabelle Kung, Deputy

JULIA GEORGE VS ITYATT CORPORATION ET AL

Case Number: 2021CI32224
 407th District Court

Officer's Return

I received this CITATION on the _____ day of _____, 20____ at _____ o'clock __M. and () executed it by delivering a copy of the CITATION with attached PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE the date of delivery endorsed on it to the defendant in person on the _____ day of _____, 20____ at _____ o'clock __ M. at _____ or () not executed because _____

Fees

Badge/PPS #:

Date certification expires:

County, Texas

BY:

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____ my date of birth is _____ and my address is _____
 County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, A.D.,

Declarant

PRIVATE PROCESS

Case Number: 2021CI12224

Julia George VS Hyatt Corporation ET AL
 (Note: Attached Document May Contain Additional
 Litigants)

IN THE 407TH DISTRICT COURT
 BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: H.E SAN ANTONIO I LLC
 BY SERVING ITS REISTERED AGENT CORPORATION SERVICE COMPANY DBA
 CSC-LAWYERS INCORPORATING SERVICE COMPANY

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE was filed on the 17th day of June, 2021.

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THEODORE JOSEPH MESSINA
 ATTORNEY OF PLAINTIFF
 5910 N Central Expy Ste 1599
 Dallas TX 75206-5165

Mary Angie Garcia
 Bexar County District Clerk
 101 W. Nueva, Suite 217
 San Antonio, Texas 78205

By: /s/ Annabelle Kung
 Annabelle Kung, Deputy

JULIA GEORGE VS HYATT CORPORATION ET AL

Case Number: 2021CI12224
 407th District Court

Officer's Return

I received this CITATION on the _____ day of _____, 20____ at _____ o'clock _____ M. and () executed it by delivering a copy of the CITATION with attached PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE the date of delivery endorsed on it to the defendant in person on the _____ day of _____, 20____ at _____ o'clock _____ M. at _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas

OR: VERIFICATION OF RETURN (If not served by a peace officer) **SAffill.** **D**

AC HED

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____ my date of birth is _____ and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, A.D.,

Declarant

AFFIDAVIT OF SERVICE

State of Texas

County of Bexar

407th Judicial District Court

Case Number: 2021C112224

Plaintiff:

Julia George

vs.

Defendant:

Hyatt Corporation,

H.E. San Antonio I, LLC, and

John Doe

For:

Theodore "Joe" Messina, III

5910 N Central Expy

Suite 200

Dallas, TX 75206

Received by On Time Process Service on the 30th day of June, 2021 at 12:20 pm to be served on Registered Agent for Hyatt Corporation United States Corporation, 211 E 7th Street, Suite 620, Austin, TX 78701.

I, Mike Techow, being duly sworn, depose and say that on the 30th day of June, 2021 at 3:15 pm, I:

Executed service by hand delivering a true copy of the Citation, Copy of Plaintiffs Original Petition and Request for Disclosure , to: Samantha Guerra, United States Corporation personally as Authorized Agent at the address of: 211 E 7th Street, Suite 620, Austin, TX 78701, who is authorized to accept service for Hyatt Corporation, and informed said person of the contents therein, in compliance with state statutes.

"I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server in good standing in the judicial circuit in which the process was served. I have personal knowledge of the facts set forth in this affidavit, and they are true and correct."

Subscribed and Sworn to before me on the 1st day of
July 21 by the affiant who is personally known to me.

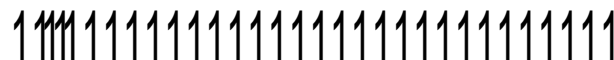
NOTARY PUBLIC

ii • ^{rvp} SUZI DICKERSON
Notary Public, State of Texas
Comm. Expires 04-04-2023
"o,°,O Notary ID 131960911

Mike Techow
PSC-1215 Exp-7/31/2020

On Time Process Service
1700 Pacific Ave
Suite 1040
Dallas, TX 75201
(214) 740-9999

Our Job Serial Number: ONT-2021003288
Ref: George/Hyatt



PRIVATE PROCESS

Case Number: 2021CI12224

Julia George VS Hyatt Corporation ET AL
 (Note: Attached Document May Contain Additional
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IN THE 407TH DISTRICT COURT
 BEXAR COUNTY, TEXAS

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"THE STATE OF TEXAS"

Directed To: HYATT CORPORATION
 BY SERVING ITS REGISTERED AGENT UNITED STATES CORPORATION

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE was filed on the 17th day of June, 2021.

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THEODORE JOSEPH MESSINA
 ATTORNEY OF PLAINTIFF
 5910 N Central Expy Ste 1599
 Dallas TX 75206-5165

Mary Angie Garcia
 Bexar County District Clerk
 101 W. Nueva, Suite 217
 San Antonio, Texas 78205

By: /s/ Annabelle Kung
 Annabelle Kung, Deputy

JULIA GEORGE VS HYATT CORPORATION ET AL

Case Number: 2021CI12224
 407th District Court

Officer's Return

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Fees: _____ Badge/PPS #: _____ Date certification expires: _____

County, Texas

OR: VERIFICATION OF RETURN (If not served by a peace officer) AFFIDAVIT

BY:

ATTACHED

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____ A.D.,

Declarant

AFFIDAVIT OF SERVICE

State of Texas

County of Bexar

407th Judicial District Court

Case Number: 2021C112224

Plaintiff:

Julia George

vs.

Defendant:

Hyatt Corporation,
H.E. San Antonio I, LLC, and
John Doe

For:

Theodore "Joe" Messina, III
5910 N Central Expy
Suite 200
Dallas, TX 75206

Received by On Time Process Service on the 30th day of June, 2021 at 12:20 pm to be served on Registered Agent for H.E. San Antonio I LLC Corporation Service Company dba CSC-Lawyers Incorporating Service Company, 211 E 7th Street, Suite 620, Austin, TX 78701.

I, Mike Techow, being duly sworn, depose and say that on the 30th day of June, 2021 at 3:15 pm, I:

Executed service by hand delivering a true copy of the Citation, Copy of Plaintiff's Original Petition and Request for Disclosure, to: Samantha Guerra, Corporation Service Company dba CSC-Lawyers Incorporating Service Company personally as Authorized Agent at the address of: 211 E 7th Street, Suite 620, Austin, TX 78701, who is authorized to accept service for H.E. San Antonio I LLC, and informed said person of the contents therein, in compliance with state statutes.

"I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server in good standing in the judicial circuit in which the process was served. I have personal knowledge of the facts set forth in this affidavit, and they are true and correct."

Subscribed and Sworn to before me on the 1st day of
Jul 2021 by the affiant who is personally known to me.

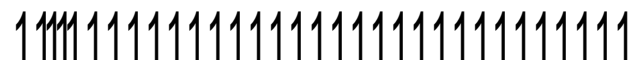
NOTAR PUBLIC

SUZI DICKERSON
Notary Public, State of Texas
Comm. Expires 04-04-2023
Notary ID 131960911

Mike Techow
PSC-1215 Exp-7/31/2020

On Time Process Service
1700 Pacific Ave
Suite 1040
Dallas, TX 75201
(214) 740-9999

Our Job Serial Number: ONT-2021003289
Ref: George/Hyatt



PRIVATE PROCESS

Case Number: 2021CI12224

Julia George VS Hyatt Corporation ET AL
 (Note: Attached Document May Contain Additional
 Litigants)

IN THE 407TH DISTRICT COURT
 BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: H.E SAN ANTONIO I LLC
 BY SERVING ITS REISTERED AGENT CORPORATION SERVICE COMPANY DBA
 CSC-LAWYERS INCORPORATING SERVICE COMPANY

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE was filed on the 17th day of June, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 29th day of June, 2021.

THEODORE JOSEPH MESSINA
 ATTORNEY OF PLAINTIFF
 5910 N Central Expy Ste 1599
 Dallas TX 75206-5165

Mary Angie Garcia
 Bexar County District Clerk
 101 W. Nueva, Suite 217
 San Antonio, Texas 78205

By: /s/ Annabelle Kung
 Annabelle Kung, Deputy

JULIA GEORGE VS HYATT CORPORATION ET AL

Case Number: 2021CI12224
 407th District Court

Officer's Return

I received this CITATION on the _____ day of _____, 20____ at _____ o'clock _____ M. and () executed it by delivering a copy of the CITATION with attached PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE the date of delivery endorsed on it to the defendant in person on the _____ day of _____, 20____ at _____ o'clock _____ M. at _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas

OR: VERIFICATION OF RETURN (If not served by a peace officer) **SAffill.** **D**

AC HED

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____ my date of birth is _____ and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, A.D.,

Declarant

CAUSE NO. 2021CI12224

JULIA GEORGE,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
vs.	§	407 TH JUDICIAL DISTRICT
	§	
HYATT CORPORATION,	§	
H.E. SAN ANTONIO I, LLC, and	§	
JOHN DOE,	§	
	§	
Defendants.	§	BEXAR COUNTY, TEXAS

**DEFENDANTS HYATT CORPORATION AND
H.E. SAN ANTONIO I, LLC 'S ORIGINAL ANSWER**

HYATT CORPORATION and **H.E. SAN ANTONIO I, LLC** ("Defendants") file their Original Answer, as follows:

**I.
GENERAL DENIAL**

Pursuant to Texas Rule of Civil Procedure 92, Defendants deny each and every allegation contained in Plaintiff's Original Petition, and any amendments or supplements thereto, and demands strict proof thereof in accordance with the Texas Rules of Civil Procedure.

WHEREFORE, Defendants pray that Plaintiff take nothing by this action, that Defendants recover its costs and attorneys' fees incurred herein, and that Defendants be granted such other and further relief to which it may show itself to be justly entitled.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Michael A. Logan
Michael A. Logan
State Bar No. 12497500
E-Mail: mlogan@krcl.com
Johnathan D. Jordan
State Bar No. 24100509 E-
Mail: jjordan@krcl.com

901 Main Street, Suite 5200
Dallas, Texas 75202
Telephone: (214) 777-4200
Facsimile: (214) 777-4299

**ATTORNEY FOR DEFENDANTS
HYATT CORPORATION**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on the 22nd day of July, 2021, as follows:

VIA E-SERVICE: jmessina@messinalegal.com
& bgonzalez@messinalegal.com
Theodore J. Messina, III
Braulio E. Gonzalez
Jason Cobb
The Messina Law Firm, P.C.
5910 N. Central Expressway, Suite 1599
Dallas, Texas 75206

/s/ Michael A. Logan
Michael A. Logan

CAUSE NO. 2021CI12224

JULIA GEORGE,

Plaintiff,

vs.

**HYATT CORPORATION,
H.E. SAN ANTONIO I, LLC, and
JOHN DOE,**

Defendants.

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

407TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

DEFENDANTS' JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW **DEFENDANTS HYATT CORPORATION** and **H.E. SAN ANTONIO I, LLC**, and make and file this Jury Demand, and would respectfully request a trial before a jury, pursuant to Rule 216 of the Texas Rules of Civil Procedure.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Michael A. Logan
Michael A. Logan
State Bar No. 12497500 E-
Mail: mlogan@krcl.com
Johnathan D. Jordan
State Bar No. 24100509
E-Mail: jjordan@krcl.com

901 Main Street, Suite 5200
Dallas, Texas 75202
Telephone: (214) 777-4200
Facsimile: (214) 777-4299

**ATTORNEYS FOR DEFENDANTS HYATT
CORPORATION AND H.E. SAN ANTONIO I,
LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on the 29th day of July, 2021, as follows:

VIA E-SERVICE: jmessina@messinalegal.com

& bgonzalez@messinalegal.com

Theodore J. Messina, III

Braulio E. Gonzalez

Jason Cobb

The Messina Law Firm, P.C.

5910 N. Central Expressway, Suite 1599

Dallas, Texas 75206

/s/ Michael A. Logan

Michael A. Logan